

Practitioner's Docket No. U 013043-1

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00140

PATENT TRADEMARK OFFICE

CHAPTER II

**TRANSMITTAL LETTER
TO THE UNITED STATES ELECTED OFFICE (EO/US)**

(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)

PCT/AU99/00458	11 JUNE 1999	11 JUNE 1998
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED

A MOUTHGUARD

TITLE OF INVENTION

Peter BURNS

APPLICANT(S)

Box PCT
Assistant Commissioner for Patents
Washington D.C. 20231
ATTENTION: EO/US

NOTE: The completion of those filing requirements that can be made at a time later than 30 months from the priority date

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date DECEMBER 7, 2000, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EK15483775US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

BARBARA D. SANTIAGO

(type or print name of person mailing paper)

Barbara D. Santiago
Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Transmittal Letter to the United States Elected Office (EO/US)—page 1 of 8) **13-18**

EK 15483775US

results from the Commissioner exercising his judgment under the authority granted under 35 USC 371(d). The filing receipt will show the actual date of receipt of the last item completing the entry into the national phase. See 37 C.F.R. §1.491 which states: "An international application enters the national state when the applicant has filed the documents and fees required by 35 USC 371(c) within the periods set forth in § 1.494 and § 1.495."

WARNING: Where the items are those which can be submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. §1.10 must be used (since international application papers are not covered by an ordinary certificate of mailing - See 37 C.F.R. §1.8.

NOTE: Documents and fees must be clearly identified as a submission to enter the national state under 35 USC 371 otherwise the submission will be considered as being made under 35 USC 111. 37 C.F.R. § 1.494(f).

1. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. 371:

- a. ☒ This express request to immediately begin national examination procedures (35 U.S.C. 371(f)).
- b. ☒ The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees (37 C.F.R. § 1.492) as indicated below:

2.Fees

CLAIMS FEE	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
[]*	TOTAL CLAIMS	17- 20 =		x \$ 18.00 =	\$
	INDEPENDENT CLAIMS	7- 3 =		x \$ 80.00 =	Extra claims fee not paid
	MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$270.00				
BASIC FEE**	<input type="checkbox"/> U.S. PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where an International preliminary examination fee as set forth in § 1.482 has been paid on the international application to the U.S. PTO: <input type="checkbox"/> and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness) and industrial activity, as defined in PCT Article 33(2) to (4) have been satisfied for all the claims presented in the application entering the national stage (37 CFR 1.492(a)(4)) \$100.00 <input type="checkbox"/> and the above requirements are not met (37 CFR 1.492(a)(1)) \$690.00				
	<input checked="" type="checkbox"/> U.S. PTO WAS NOT INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where no international preliminary examination fee as set forth in § 1.482 has been paid to the U.S. PTO, and payment of an international search fee as set forth in § 1.445(a)(2) to the U.S. PTO: <input type="checkbox"/> has been paid (37 CFR 1.492(a)(2)) \$710.00 <input checked="" type="checkbox"/> has not been paid (37 CFR 1.492(a)(3)) \$1,000.00 <input type="checkbox"/> where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office (37 CFR 1.492(a)(5)) \$860.00				
	Total of above Calculations				=1000.00
SMALL ENTITY	Reduction by ½ for filing by small entity, if applicable. Affidavit must be filed. (note 37 CFR 1.9, 1.27, 1.28)				-500.00
	Subtotal				500.00
	Total National Fee				\$500.00
	Fee for recording the enclosed assignment document \$40.00 (37 CFR 1.21(h)). (See Item 13 below). See attached "ASSIGNMENT COVER SHEET".				
TOTAL	Total Fees enclosed				\$500.00

*See attached Preliminary Amendment Reducing the Number of Claims.

- i. ☒ A check in the amount of \$500.00 to cover the above fees is enclosed.
ii. ☐ Please charge Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.

****WARNING:** "To avoid abandonment of the application the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of 30 months from the priority date: * * * (2) the basic national fee (see § 1.492(a)). The 30-month time limit may not be extended." 37 C.F.R. § 1.495(b).

WARNING: If the translation of the international application and/or the oath or declaration have not been submitted by the applicant within thirty (30) months from the priority date, such requirements may be met within a time period set by the Office. 37 C.F.R. § 1.495(b)(2). The payment of the surcharge set forth in § 1.492(e) is required as a condition for accepting the oath or declaration later than thirty (30) months after the priority date. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than thirty (30) months after the priority date. Failure to comply with these requirements will result in abandonment of the application. The provisions of § 1.136 apply to the period which is set. Notice of Jan. 3, 1993, 1147 O.G. 29 to 40.

3. ☒ A copy of the International application as filed (35 U.S.C. 371(c)(2)):

NOTE: Section 1.495 (b) was amended to require that the basic national fee and a copy of the international application must be filed with the Office by 30 months from the priority date to avoid abandonment "The International Bureau normally provides the copy of the international application to the Office in accordance with PCT Article 20. At the same time, the International Bureau notifies applicant of the communication to the Office. In accordance with PCT Rule 47.1, that notice shall be accepted by all designated offices as conclusive evidence that the communication has duly taken place. Thus, if the applicant desires to enter the national stage, the applicant normally need only check to be sure the notice from the International Bureau has been received and then pay the basic national fee by 30 months from the priority date." Notice of Jan. 7, 1993, 1147 O.G. 29 to 40, at 35-36. See item 14c below.

- a. ☐ is transmitted herewith.
b. ☐ is not required, as the application was filed with the United States Receiving Office.
c. ☒ has been transmitted
i. ☒ by the International Bureau.
Date of mailing of the application (from form PCT/IB/308): _____.
ii. ☐ by applicant on _____.
Date

4. ☒ A translation of the International application into the English language (35 U.S.C. 371(c)(2)):
a. ☐ is transmitted herewith.
b. ☒ is not required as the application was filed in English.
c. ☐ was previously transmitted by applicant on _____.
Date
d. ☐ will follow.

5. ☒ Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. 371(c)(3)):

NOTE: The Notice of January 7, 1993 points out that 37 C.F.R. § 1.495(a) was amended to clarify the existing and continuing practice that PCT Article 19 amendments must be submitted by 30 months from the priority date and this deadline may not be extended. The Notice further advises that: "The failure to do so will not result in loss of the subject matter of the PCT Article 19 amendments. Applicant may submit that subject matter in a preliminary amendment filed under section 1.121. In many cases, filing an amendment under section 1.121 is preferable since grammatical or idiomatic errors may be corrected." 1147 O.G. 29-40, at 36.

- a. ☐ are transmitted herewith.
b. ☐ have been transmitted
i. ☐ by the International Bureau.
Date of mailing of the amendment (from form PCT/IB/308): _____.
ii. ☐ by applicant on _____.
Date _____
c. ☒ have not been transmitted as
i. ☒ applicant chose not to make amendments under PCT Article 19.
Date of mailing of Search Report (from form PCT/ISA/210): 9 JULY 1999.
ii. ☐ the time limit for the submission of amendments has not yet expired.
The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.

6. ☒ A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. 371(c)(3)):

- a. ☐ is transmitted herewith.
b. ☐ is not required as the amendments were made in the English language.
c. ☒ has not been transmitted for reasons indicated at point 5(c) above.

7. ☒ A copy of the international examination report (PCT/IPEA/409)

- ☒ is transmitted herewith.
☐ is not required as the application was filed with the United States Receiving Office.

8. ☐ Annex(es) to the international preliminary examination report

- a. ☐ is/are transmitted herewith.
b. ☐ is/are not required as the application was filed with the United States Receiving Office.

9. ☐ A translation of the annexes to the international preliminary examination report

- a. ☐ is transmitted herewith.
b. ☐ is not required as the annexes are in the English language.

10. ☒ An oath or declaration of the inventor (35 U.S.C. 371(c)(4)) complying with 35 U.S.C. 115
- a. ☐ was previously submitted by applicant on _____
Date
- b. ☐ is submitted herewith, and such oath or declaration
- i. ☐ is attached to the application.
- ii. ☐ identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3(b) or 3(c) and 5(b); and states that they were reviewed by the inventor as required by 37 C.F.R. 1.70.
- c. ☒ will follow.

Other document(s) or information included:

11. ☒ An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a):
- a. ☒ is transmitted herewith.
- b. ☐ has been transmitted by the International Bureau.
Date of mailing (from form PCT/IB/308): _____.
- c. ☐ is not required, as the application was searched by the United States International Searching Authority.
- d. ☐ will be transmitted promptly upon request.
- e. ☐ has been submitted by applicant on _____
Date
12. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98:
- a. ☐ is transmitted herewith.
Also transmitted herewith is/are:
☐ Form PTO-1449 (PTO/SB/08A and 08B).
☐ Copies of citations listed.
- b. ☒ will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. 371(c).
- c. ☐ was previously submitted by applicant on _____
Date
13. ☐ An assignment document is transmitted herewith for recording.

A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

14. ☒ Additional documents:
- a. ☒ Copy of request (PCT/RO/101)
 - b. ☒ International Publication No. WO 99/64121
 - i. ☒ Specification, claims and drawing
 - ii. ☐ Front page only
 - c. ☒ Preliminary amendment (37 C.F.R. § 1.121)
 - d. ☒ Other
- Form PCT/IPEA/401
-
-
15. ☒ The above checked items are being transmitted
- a. ☒ before 30 months from any claimed priority date.
 - b. ☐ after 30 months.
16. ☐ Certain requirements under 35 U.S.C. 371 were previously submitted by the applicant on _____, namely:
- _____
- _____
- _____

AUTHORIZATION TO CHARGE ADDITIONAL FEES

WARNING: *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

NOTE: *"A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).*

NOTE: *"Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).*

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 12-0425.

☒ 37 C.F.R. 1.492(a)(1), (2), (3), and (4) (filing fees)

WARNING: *Because failure to pay the national fee within 30 months without extension (37 C.F.R. § 1.495(b)(2)) results in abandonment of the application, it would be best to always check the above box.*

☐ 37 C.F.R. 1.492(b), (c) and (d) (presentation of extra claims)

NOTE: *Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must*

only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.492(d)), it might be best not to authorize the PTO to charge additional claim fees, except possible when dealing with amendments after final action.

- ☒ 37 C.F.R. 1.17 (application processing fees)
- ☒ 37 C.F.R. 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a).
- ☒ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

- ☐ 37 C.F.R. § 1.492(e) and (f) (surcharge fees for filing the declaration and/or filing an English translation of an International Application later than 30 months after the priority date).


SIGNATURE OF PRACTITIONER

William R. Evans
(type or print name of practitioner)

Reg. No.: 25,858

Tel. No.: (212) 708-1930

P.O. Address

Customer No.:

c/o Ladas & Parry
26 West 61st Street
New York, N.Y. 10023

Practitioner's Docket No. U 013043-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

[x] In re application of: Peter BURNS

Application No.: 09/719,058

Filed: December 7, 2000

For: A MOUTHGUARD

Group No.: .

Examiner: - -

[] *Patent No.:

Issue Date:

*NOTE: Insert name(s) of inventor(s) and title also for patent. Where statement is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))

With respect to the invention described in

[] the specification filed herewith.

[x] application no. 09/719,058, filed December 7, 2000.

[] patent no. _____ issued _____.

I. IDENTIFICATION AND RIGHTS AS A SMALL ENTITY

I hereby state that I am

(complete either (a), (b), (c) or (d) below)

(a) Independent Inventor

[] a below named independent inventor, and that I qualify as an independent inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees under Sections 41(a) and (h) of Title 35, United States Code, to the Patent and Trademark Office.

(b) Noninventor Supporting a Claim by Another

[] making this statement to support a claim by

_____ for a small entity status for purposes of paying reduced fees under Sections 41(a) and (h) of Title 35, United States Code. I hereby state that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention

(c) Small Business Concern

check one → [x] the owner of the small business concern identified below:
[] an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern SIGNATURE MOUTHGUARDS PTY LIMITED
 Address of Concern ACN 056 831 773 OF LEVEL 1, 9 CARLOTTA STREET,
ARTARMON NEW SOUTH WALES 2064, AUSTRALIA and

that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(d) Non-Profit Organization

☐ an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization _____
 Address of Organization _____

TYPE OF ORGANIZATION

- ☐ University or Other Institution of Higher Education
☐ Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))
☐ Nonprofit Scientific or Educational Under Statute of State of the United States of America
 (Name of State _____)
 (Citation of Statute _____)
☐ Would Qualify as Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)), if Located in the United States of America
☐ Would Qualify as Nonprofit Scientific or Educational Under Statute of State of the United States of America, if Located in the United States of America
 (Name of State _____)
 (Citation of Statute _____)

and that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code.

II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby state that rights under contract or law remain with and/or have been conveyed to the above identified

☐ person ☒ concern ☐ organization
 (item (a) or (b) above) (item (c) above) (item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

- ☒ no such person, concern, or organization
☐ person, concerns or organizations listed below*

*NOTE: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities (37 CFR 1.27)

Full Name _____
 Address _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

Full Name _____
 Address _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

IV. DECLARATION

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on October 10, 1997, 62 Fed. Reg. 52131, effective December 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 CFR 1.4(d)(2)

- ☐ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

V. SIGNATURES*(complete only (e) or (f) below)***(c)****NOTE:** All inventors must sign the statement._____
Name of Inventor_____
Signature of Inventor_____
Date:_____
Name of Inventor_____
Signature of Inventor_____
Date:_____
Name of Inventor_____
Signature of Inventor_____
Date:*(add lines for any additional inventors who must sign)*

or

(f)**NOTE:** The title of the person signing on behalf of a concern or non-profit organization should be specified_____
Name of Person SigningPETER J. BURNS_____
Title of PersonOWNER, CHAIRMAN*(if signing on behalf of a concern or non-profit organization)*_____
Address of Person Signing ACN 056 831 773 OF LEVEL 1, 9 CARLOTTA STREET, ARTARMON
NEW SOUTH WALES 2064, AUSTRALIA_____
SIGNATURE (x)_____
DATE (x)26/1/01

09/719058

528 Rec'd PCT/PTO 07 DEC 2000

Practitioner's Docket No. U 013043-1

CHAPTER II

**TRANSMITTAL LETTER
TO THE UNITED STATES ELECTED OFFICE (EO/US)**

(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)

PCT/AU99/00458

11 JUNE 1999

11 JUNE 1998

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

A MOUTHGUARD

TITLE OF INVENTION

Peter BURNS

APPLICANT(S)

Box PCT

Assistant Commissioner for Patents

Washington D.C. 20231

ATTENTION: EO/US

Sir:

PRELIMINARY AMENDMENT

Please amend the above identified application as follows:

IN THE CLAIMS :

Claim 12, line 1: Delete "10 or 11"

Claim 14, lines 1-2: Delete "any one of claims 9 to 13" and substitute therefor --claim 9--

CERTIFICATE UNDER 37 1.10

I hereby certify that this paper is being deposited with the United States Postal Service on this date DECEMBER 7, 2000 in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESS-EE" Mailing Label Number EK154837775US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231

BARBARA D. SANTIAGO

(Type or print name of person mailing paper)

Barbara D. Santiago
(Signature of person mailing paper)

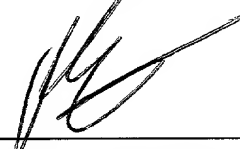
NOTE: Each paper or fee referred to as enclosed herein has the number of the "EXPRESS MAIL" mailing label place thereon prior to mailing 37 CFR 1.16(b).

EK 1 5 4 8 3 7 7 5 US

Claim 15, line 1: Delete "when appended to claim 10," and substitute therefor --, wherein the
keying means are deformable projections and--

Claim 16, line 1: Delete "or 15"

Respectfully submitted,



WILLIAM R. EVANS
LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG.NO.25,858 (212)708-1930

A Mouthguard**Technical Field**

The present invention relates to mouthguards and more particularly, but exclusively, to mouthguards used by sports participants.

Background of the Invention

Mouthguards have consisted of a number of types, including those constructed of thermoplastics material, which are heated (typically in hot water) and then applied to the user's mouth so that the mouthguard is moulded to fit the user's teeth and jaw. A more expensive type of mouthguard is that provided generally by dentists. The "custom fitted" dentist provided mouthguards are manufactured from an impression taken of the user's teeth and jaw. Plastics material is then formed in a mould generated from the impression. More recently, laminated pressure mouthguards have been made available.

The above discussed types of mouthguards fall short of providing the desired level of protection for the user.

Object of the Invention

It is the object of the present invention to overcome or substantially ameliorate the above disadvantage.

Summary of the Invention

There is disclosed herein a mouthguard of generally "C-shaped" configuration so as to provide a front portion and two arms diverting rearwardly from the front portion, the mouthguard being of a "U-shaped" transverse cross-section so as to provide an inner and an outer flange joined by a base.

The mouthguard described herein has a first inventive feature which includes the base having a lower surface providing a lower occusal table which is generally perpendicular to the inner flange.

A second inventive feature described herein includes the base having an upper occusal table which is inclined to the inner flange by an angle between 100 and 120 degrees.

A third inventive feature described herein includes a thickened portion of said outer flange being provided at said front part.

A forth inventive feature described herein includes the base having a lower surface provided with a shield adjacent the outer flange extending substantially along each arm.

A fifth inventive feature described herein includes said base having an upper surface, with the forward portion thereof being raised relative to arm portions thereof.

A sixth inventive feature described herein includes the mouthguard being formed of a body having said "C-shaped" configuration, with said two arms having end extremities, said mouthguard further including a labial shield embedded in said front portion and extending therefrom through the two arms to adjacent the extremities thereof, said body and shield being formed of plastics material, with said shield being more rigid than said body.

Preferably the above mentioned shield is a single piece.

In a further preferred form said above mentioned shield includes a front part embedded in said front portion, and two rear parts separate to the front part, each rear part being located in a respective one of the arms.

A seventh inventive feature described herein includes said base being formed with deformable projections, which are plastically deformed to conform to the configuration of a user's teeth.

Brief Description of the Drawings

A preferred form of the present invention will now be described by way of example with reference to the accompanying drawings wherein:

Fig. 1 is a schematic front elevation of a mouthguard to generally enclose the upper teeth of a wearer;

Fig. 2 is a schematic rear elevation of the mouthguard of Fig. 1;

Fig. 3 is a schematic part sectioned side elevation of the mouthguard of Fig. 1;

Fig. 4 is a schematic top plan view of the mouthguard of Fig. 1;

Fig. 5 is a schematic side elevation of the mouthguard of Fig. 1;

Fig. 6 is a schematic bottom plan view of the mouthguard of Fig. 1;

Fig. 7 is a schematic top perspective view of the mouthguard of Fig. 1;

Fig. 8 is a schematic rear perspective view of the mouthguard of Fig. 1;

Fig. 9 is a schematic top plan view of a shield to be embedded in the body of a mouthguard;

Fig. 10 is a schematic bottom plan view of the shield of Fig. 9;

Fig. 11 is a schematic front plan view of the shield of Fig. 9;

Fig. 12 is a schematic rear elevation of the shield of Fig. 9;

Fig. 13 is a schematic end elevation of the shield of Fig. 9;

Fig. 14 is a schematic front elevation of a mouthguard having a body within which the shield of Fig. 9 is embedded;

Fig. 15 is a schematic rear elevation of the mouthguard of Fig. 14;

Fig. 16 is a top plan view of the mouthguard of Fig. 14;

Fig. 17 is a schematic side elevation of the mouthguard as illustrated in Fig. 16, sectioned along the lines 17-17;

Fig. 18 is a schematic side elevation of the mouthguard of Fig. 14;

Fig. 19 is a schematic bottom plan view of the mouthguard of Fig. 14;

Fig. 20 is a schematic perspective view of the mouthguard of Fig. 14;

Fig. 21 is a schematic front elevation of a shield set to be embedded in a mouthguard;

Fig. 22 is a schematic top plan view of the set of Fig. 22;

5 Fig. 23 is a schematic end elevation of the set of Fig. 21;

Fig. 24 is a schematic front elevation of a mouthguard with the shield set of Fig. 21 embedded therein;

Fig. 25 is a schematic rear elevation of the mouthguard of Fig. 24;

Fig. 26 is a schematic top plan view of the mouthguard of Fig. 24;

10 Fig. 27 is a schematic sectioned side elevation of the mouthguard as illustrated in Fig. 26, sectioned along the line 27-27;

Fig. 28 is a schematic side elevation of the mouthguard of Fig. 24;

Fig. 29 is a schematic bottom plan view of the mouthguard of Fig. 24;

Fig. 30 is a schematic perspective view of the mouthguard of Fig. 24; and

15 Fig. 31 is a schematic perspective view of a still further mouthguard.

Detailed Description of the Preferred Embodiment

In Figures 1 to 8 of the accompanying drawings, there is schematically depicted a mouthguard 10. The mouthguard 10 is of a "C-shaped" configuration so as to provide a front portion 11 from which there rearwardly diverges a pair of arms 12. The
20 mouthguard 10 in transverse cross-section is of a "U-shaped" configuration so as to provide a inner flange 13 joined to an outer flange 14 by means of a base 15.

The upper edge of the flange 14 is provided with raised portions 16 and 17 arranged generally symmetrically relative to a plane passing through the line 3-3 of Fig. 4. In that regard it should be appreciated that the side elevation illustrated in Fig. 3 is
25 the mouthguard sectioned along the line 3-3 of Fig. 4.

The base 15 of the mouthguard 10 includes upper surfaces 18 extending along each arm 12, with each surface 18 providing an occlusal table. The surfaces 18 are inclined to the internal surface 19 of the internal flange 13 by an angle between 100 and 120 degrees, preferably 110 degrees.

30 The base 15 is also provided with a pair of lower surfaces 20, each surface 20 extending along an arm 12, with each surface 20 providing a lower occlusal table. The surfaces 20 are inclined to the external surface 21 of the outer flange 14 by approximately 90 degrees.

Each arm 12 is also provided with a ridge 22 which acts as a shield.

35 The forward portion 11 is thickened so as to provide a labial shield 23 formed on the internal surface 24 of the outer flange 14. The shield 23 extends to the trough 25 located in the forward portion 11 between the flanges 13 and 14. The forward portion 11 is also provided with a raised or thickened incisal portion 26.

Preferably, the forward portion 11 is also provided with a front shield 28 in the form of a ridge.

The mouthguard 10 is formed of thermoplastics material which when heated to approximately 40 degrees or above becomes plastically mouldable if bitten. To provide for the flow of plastics material when being formed, each of the arms 12 is provided with a trough 27 into which the plastics material can flow.

In Figures 9 to 13 of the accompanying drawings there is schematically depicted a labial shield 30 to be embedded in the body 31 of the mouthguard 32 (Figures 14 to 20).

The shield 30 is of a "C-shaped" configuration so as to have a forward portion 33 with two rearwardly extending arms 34. The arms 34 have extremities 35. The shield 30 further has a pair of front arches 36, with each arm 34 having a pair of arches 37.

The body 31 is of a "C-shaped" configuration so as to provide a front portion 38 from which there rearwardly diverges a pair of arms 39. The body 31 in transverse cross-section is of a "U-shaped" configuration so as to provide an inner flange 40 joined to an outer flange 41 by means of a base 42. Each of the arms 39 has an extremity 43.

With the shield 30 embedded in the body 31, the board portion 33 is embedded in the board portion 38 of the body 31. The shield arms 34 extend within the body arm 39 so that their extremities 35 terminate just short of the arm extremities 43.

In Figures 21, 22 and 23 there is schematically depicted a labial shield 50 which comprises a set of shield members 51 and 52. The shield 50 is embedded (as seen in Figures 24 to 30) in a mouthguard body, such as the body 31 of the previous embodiment, with the shield 50 being an alternative to the shield 30. The same reference numerals have been employed in Figures 24 to 30, as Figures 14 to 20.

In Figure 31 there is schematically depicted a mouthguard 56 including a mouthguard body 50. The mouthguard body 50 is of a similar configuration to the previously described mouthguards. More particularly, the mouthguard body 50 has an inner flange 51 joined to an outer flange 52 by means of a base 53. The base 53 includes a layer 54 of material that is plastically deformable. More particularly, the layer 54 has a plurality of projections 55 which are plastically deformable to conform to the configuration of the user's teeth. In this embodiment the projections 54 are hollow and cylindrical in form. Received between the flanges 51 and 52 and covering the base 53 is a mouldable layer 57 constructed as follows. Firstly, the interior of the body 50 has applied to it an EVA copolymer coating. To this there is applied a thicker layer of vinyl containing polydimethylsiloxane. When the person to wear the mouthguard bites on the vinyl material, a dental impression results. However, the projections 55 also deform to provide a physical "key" to bind the vinyl layer to the body 50. In addition to, or as an alternative, the inner and outer flanges 51 and 52 may be provided with

ridges 58 to again retain the vinyl layer in position. In this respect it should be appreciated that the vinyl layer may still be "peeled" from within the body 50 should the need arise. For example, when mouthguards are not professionally fitted there is a danger that the mouthguard will be applied to a person having a dental appliance. If the vinyl layer is not removable with respect to the body, considerable difficulty would be encountered in removing the mouthguard.

As an alternative or in addition to the various keying means such as the projections 50 and ridges 58, the vinyl layer may be secured to the body 50 by means of an adhesive. The adhesive may be in liquid or tape form.

In manufacturing the mouthguard body 11, internal surfaces of the mould may be acid etched in order to produce roughened surfaces (for example on the internal surfaces of the flanges 51 and 52) to aid in engaging and retaining the vinyl layer within the body 50.

CLAIMS:

1. A mouthguard of generally "C-shaped" configuration so as to provide a front portion and two arms diverting rearwardly from the front portion, the mouthguard being of a "U-shaped" transverse cross-section so as to provide an inner and an outer flange joined by a base, wherein said base has a lower surface providing a lower occusal table which is generally perpendicular to the inner flange.

2. A mouthguard of generally "C-shaped" configuration so as to provide a front portion and two arms diverting rearwardly from the front portion, the mouthguard being of a "U-shaped" transverse cross-section so as to provide an inner and an outer flange joined by a base, wherein the base has an upper occusal table which is inclined to the inner flange by an angle of between 100 and 120 degrees.

3. A mouthguard of generally "C-shaped" configuration so as to provide a front portion and two arms diverting rearwardly from the front portion, the mouthguard being of a "U-shaped" transverse cross-section so as to provide an inner and an outer flange joined by a base, wherein the mouthguard includes a thickened portion of said outer flange being provided at said front portion.

4. A mouthguard of generally "C-shaped" configuration so as to provide a front portion and two arms diverting rearwardly from the front portion, the mouthguard being of a "U-shaped" transverse cross-section so as to provide an inner and an outer flange joined by a base, wherein the base has a lower surface provided with a shield adjacent the outer flange extending substantially along each arm.

5. A mouthguard of generally "C-shaped" configuration so as to provide a front portion and two arms diverting rearwardly from the front portion, the mouthguard being of a "U-shaped" transverse cross-section so as to provide an inner and an outer flange joined by a base, wherein said base has an upper surface, with the forward portion thereof being raised relative to arm portions thereof.

6. A mouthguard of generally "C-shaped" configuration so as to provide a front portion and two arms diverting rearwardly from the front portion, the mouthguard being of a "U-shaped" transverse cross-section so as to provide an inner and an outer flange joined by a base, wherein the mouthguard includes a body of a "C-shaped" configuration, with said arms having end extremities, said mouthguard further including a labial shield embedded in said front portion and extending therefrom through the arms to adjacent extremities thereof, said body and shield being formed of plastics material, with said shield being more rigid than said body.

7. The mouthguard of claim 6, wherein the shield is a single piece.

8. The mouthguard of claim 6, wherein said shield is formed of a set of shield members including a front part embedded in said front portion, and two rear parts separate to the front part, each rear part being located in a respective one of the arms.

9. A mouthguard body of generally "C-shaped" configuration so as to provide a front portion and two arms diverting rearwardly from the front portion, the mouthguard body being of a "U-shaped" transverse cross-section so as to provide an inner and an outer flange joined by a base, wherein internal surfaces of the body are provided with key means to engage a mouldable material to be received within the body.

10. The mouthguard body of claim 9, wherein the keying means are deformable projections.

11. The mouthguard body of claim 10, wherein the deformable projections are located on said base.

12. The mouthguard of claim 9, 10 or 11 wherein said keying means are ridges.

13. The mouthguard body of claim 12, wherein said ridges are formed on internal surfaces of said inner and outer flanges.

14. A mouthguard having a mouthguard body according to any one of claims 9 to 13, and mouldable material contained within the mouthguard body.

15. The mouthguard of claim 14 when appended to claim 10, wherein the projections are deformed to engage the mouldable material.

16. The mouthguard of claim 14 or 15 wherein the mouldable material is vinyl containing polydimethylsiloxane.

17. The mouthguard of claim 16, wherein the mouthguard body is formed of an EVA copolymer.

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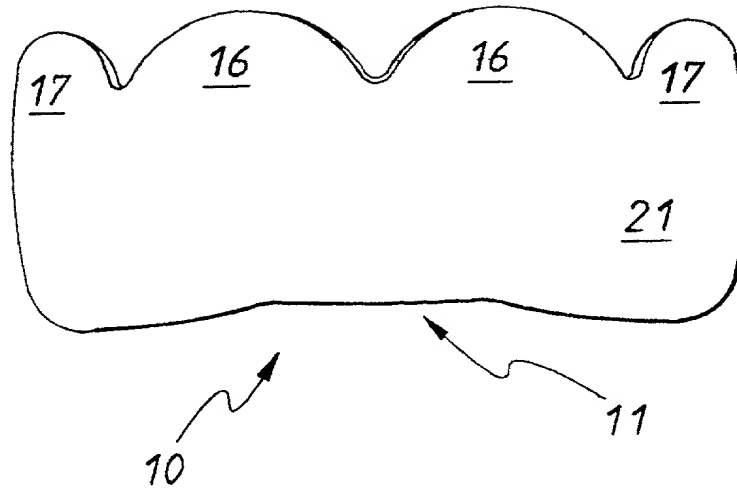


FIG. 1

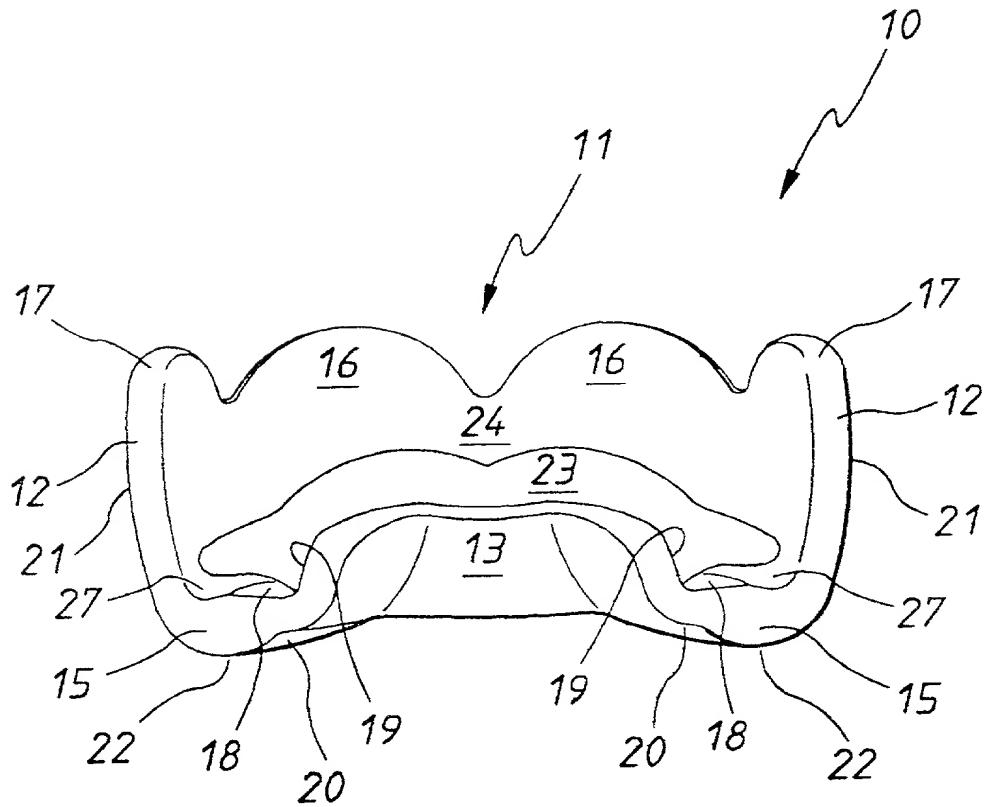


FIG. 2

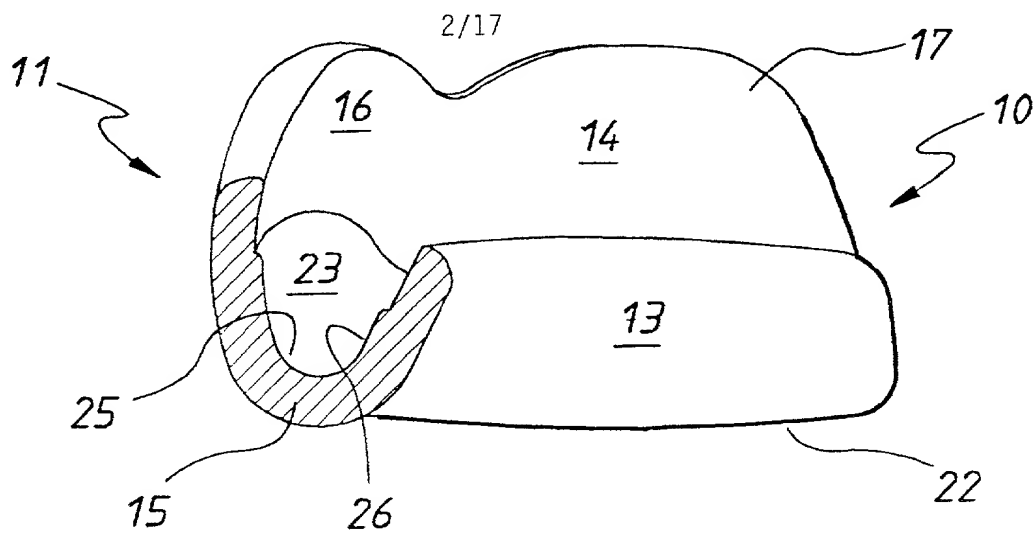


FIG. 3

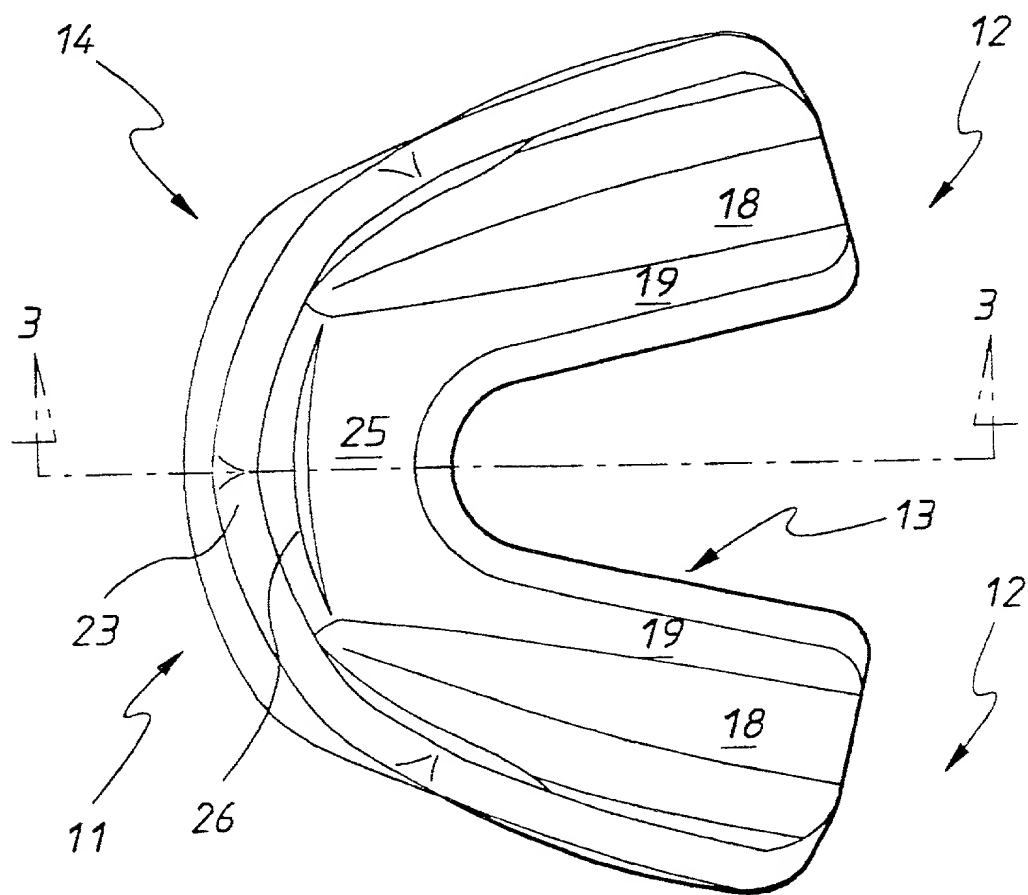
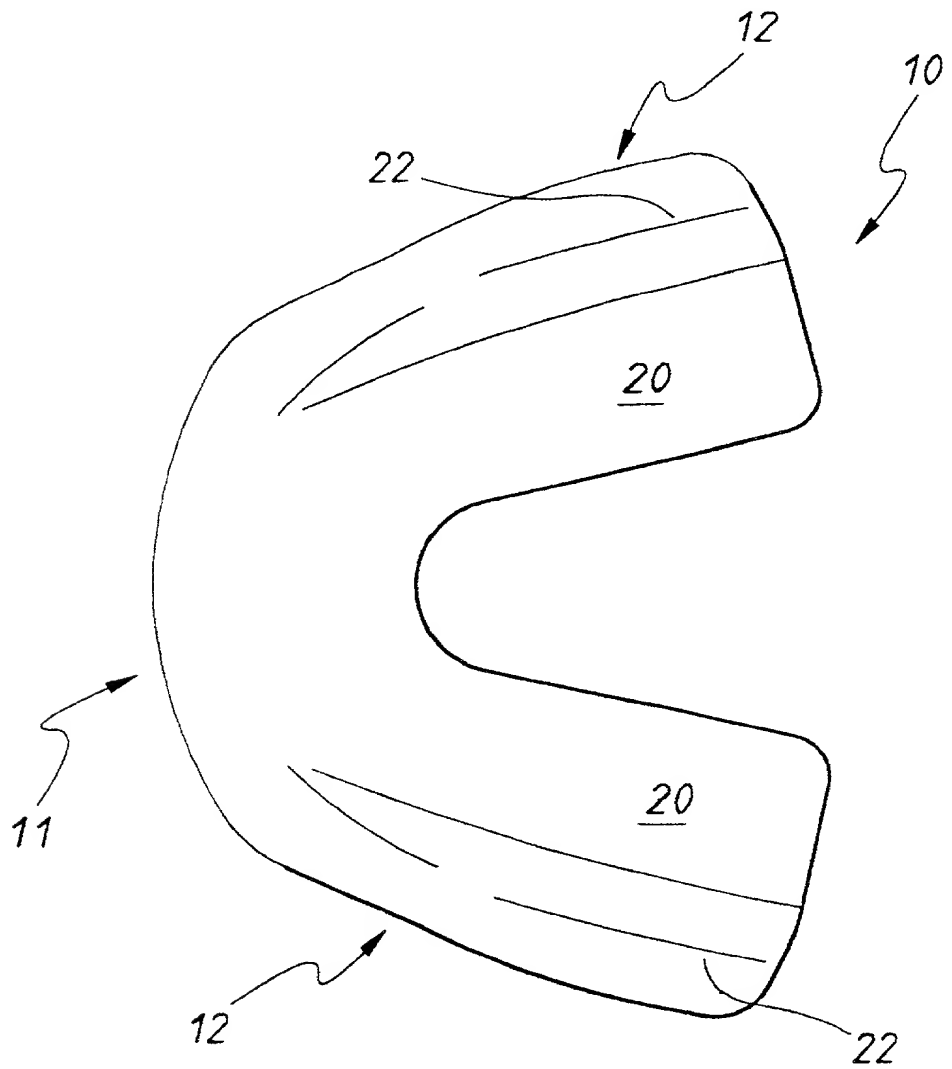
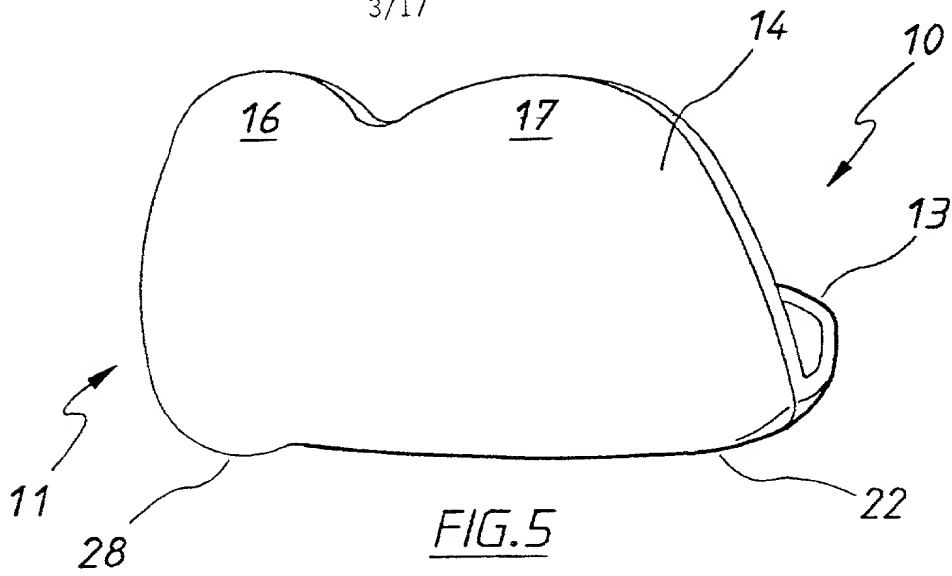


FIG. 4

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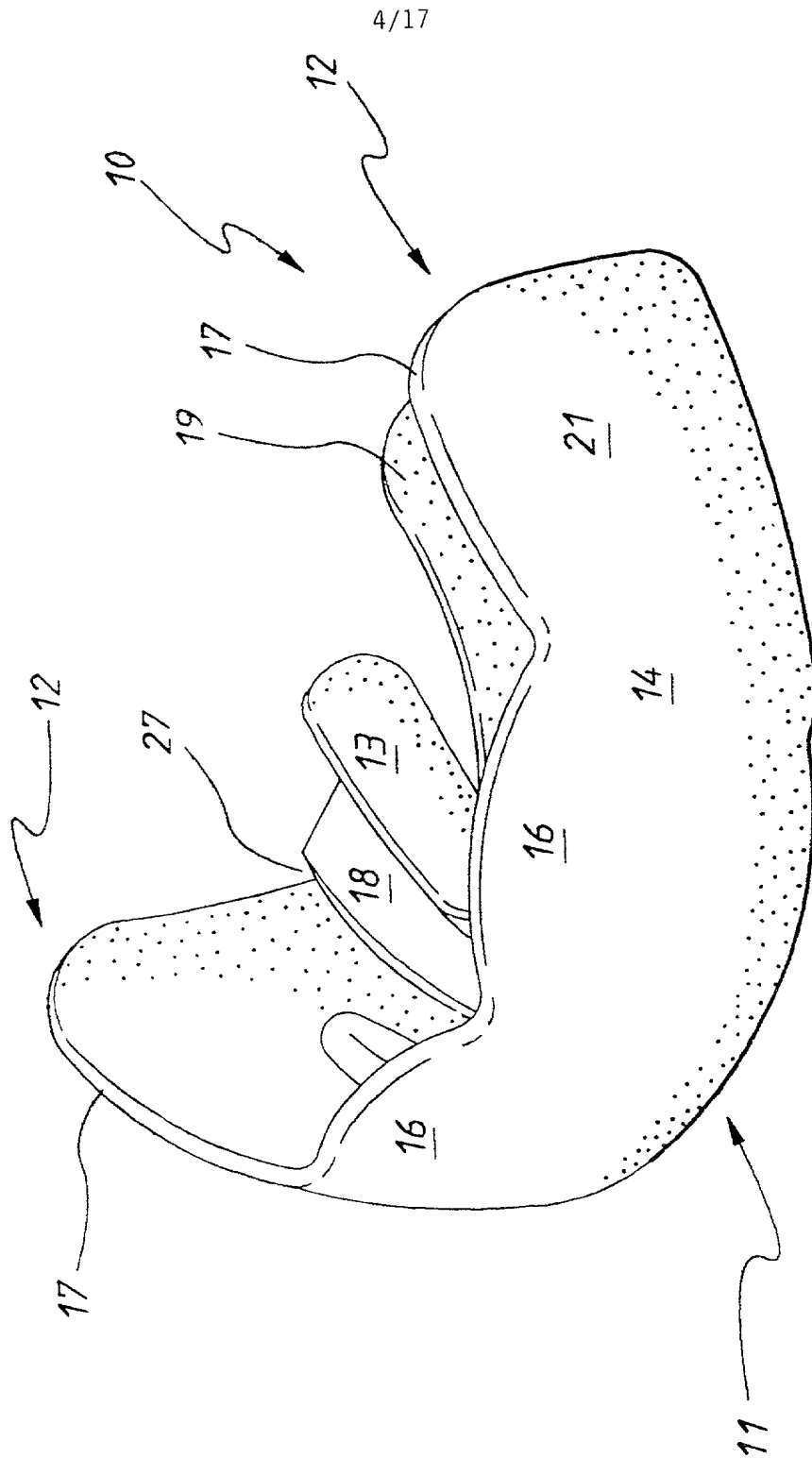


FIG. 7

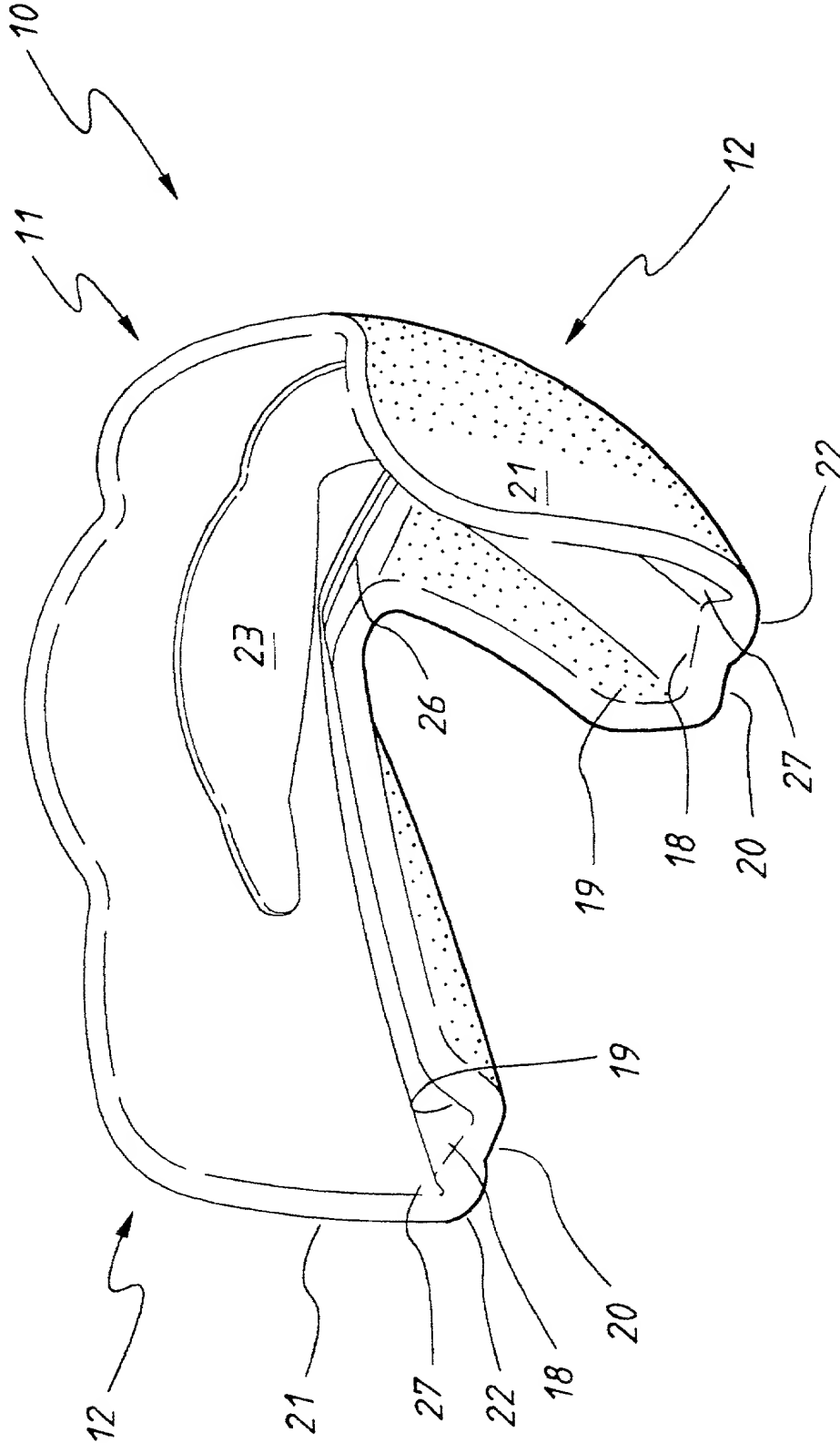
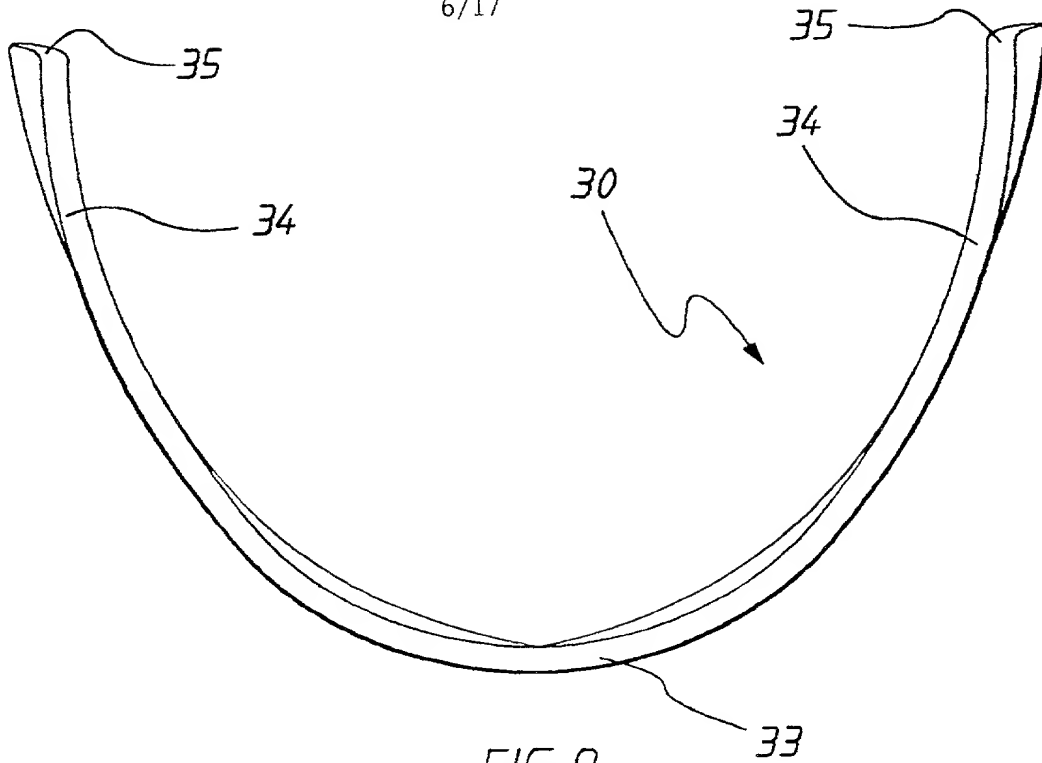
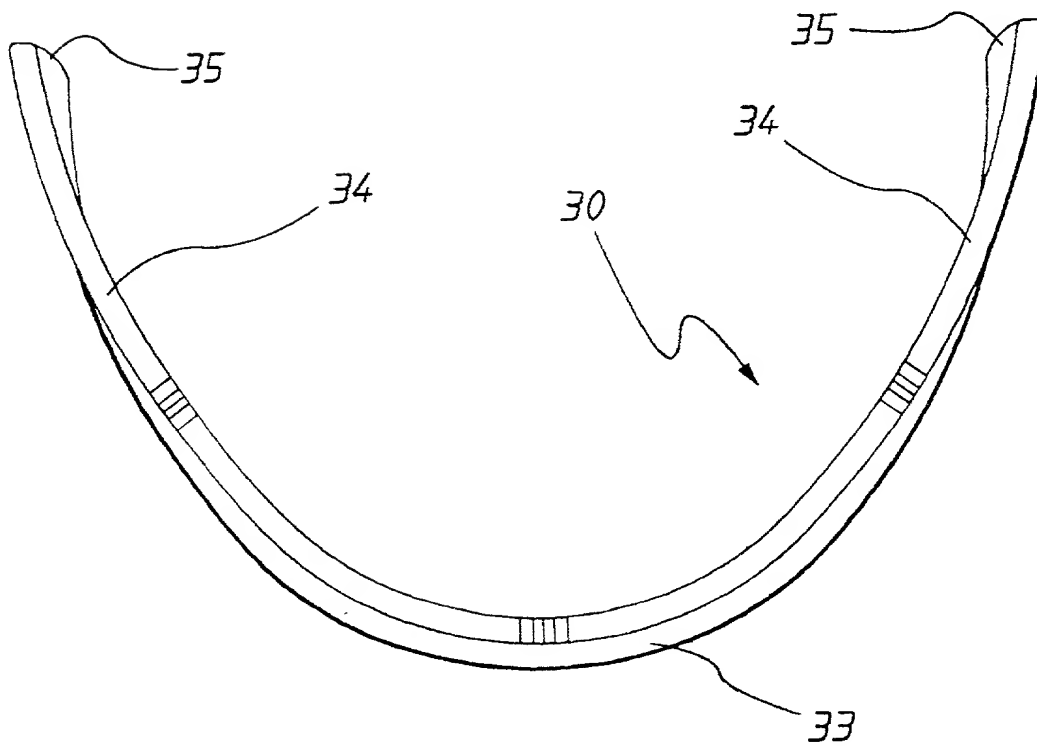


FIG. 8

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FIG. 9FIG. 10

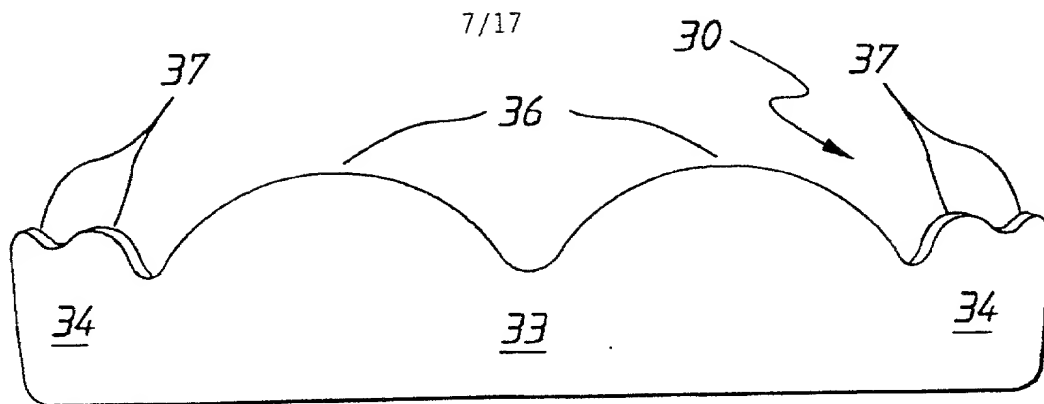


FIG. 11

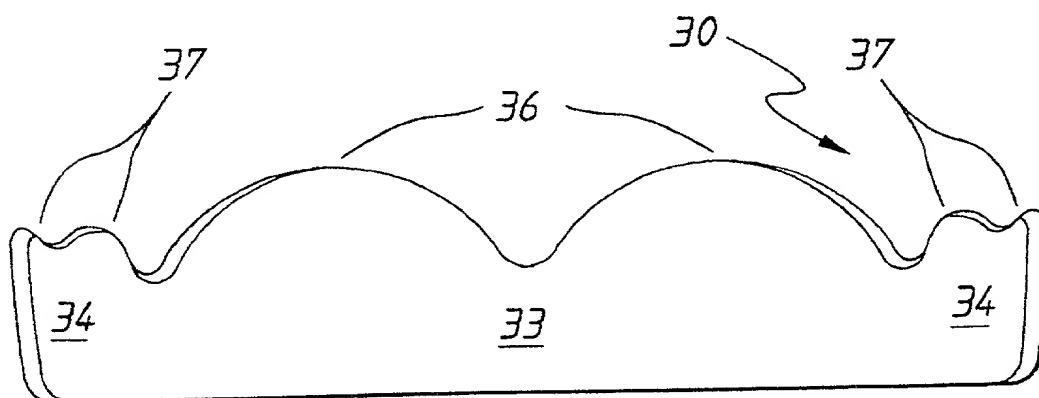


FIG. 12

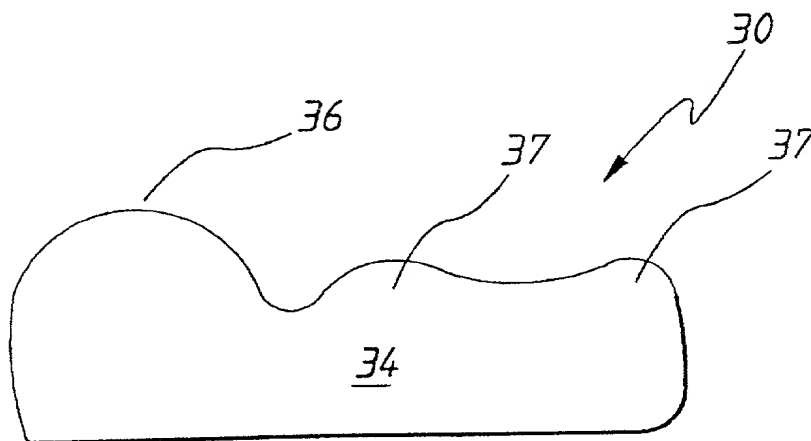


FIG. 13

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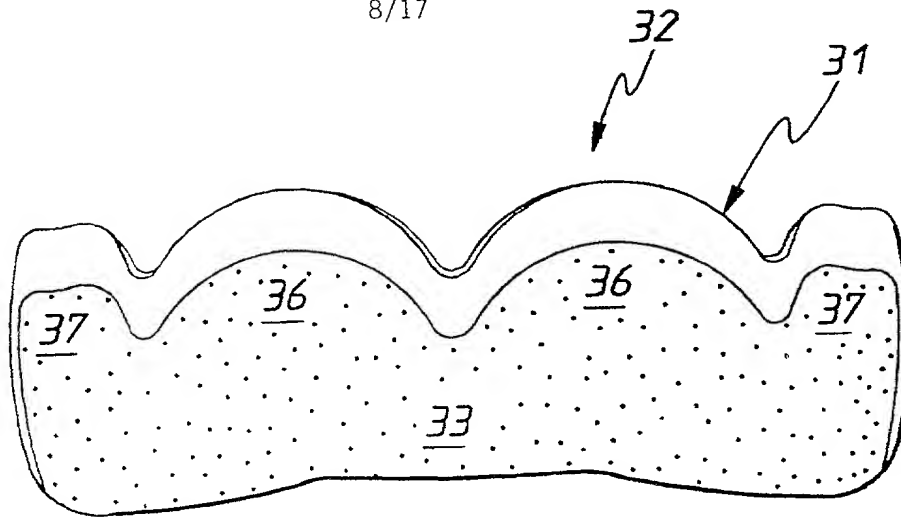


FIG. 14

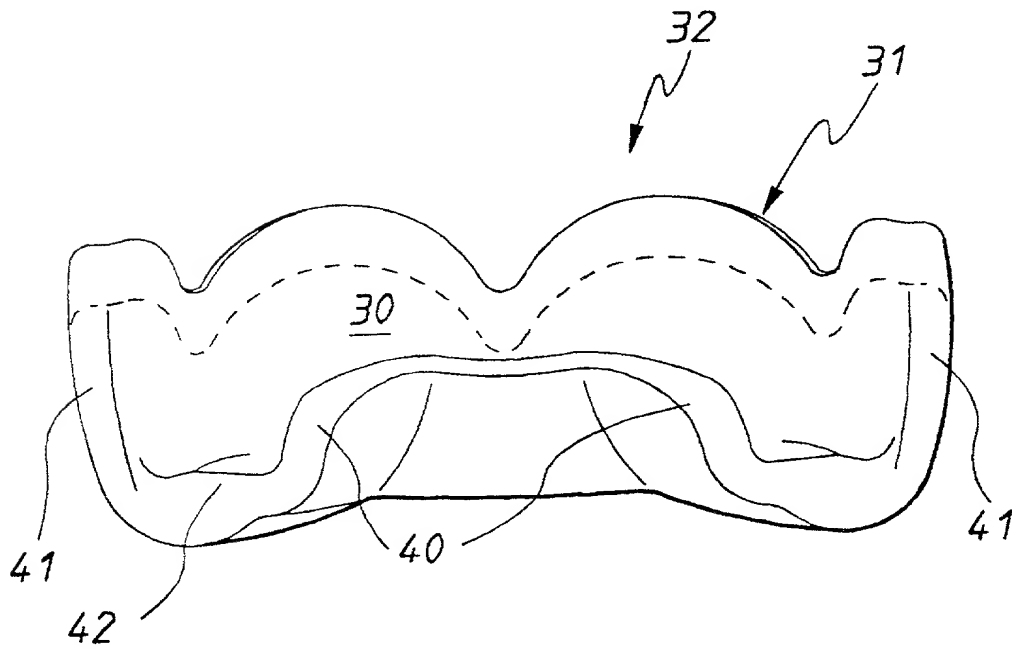
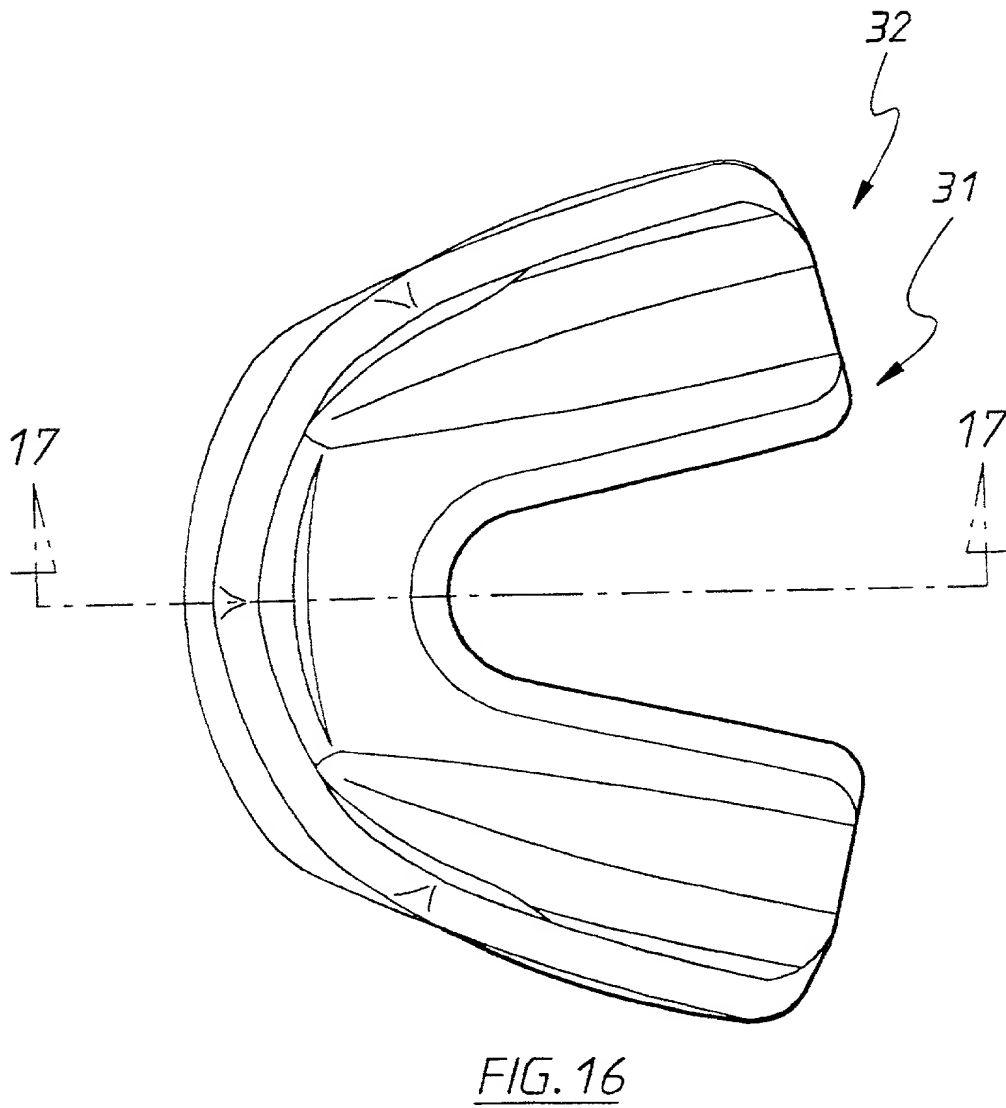
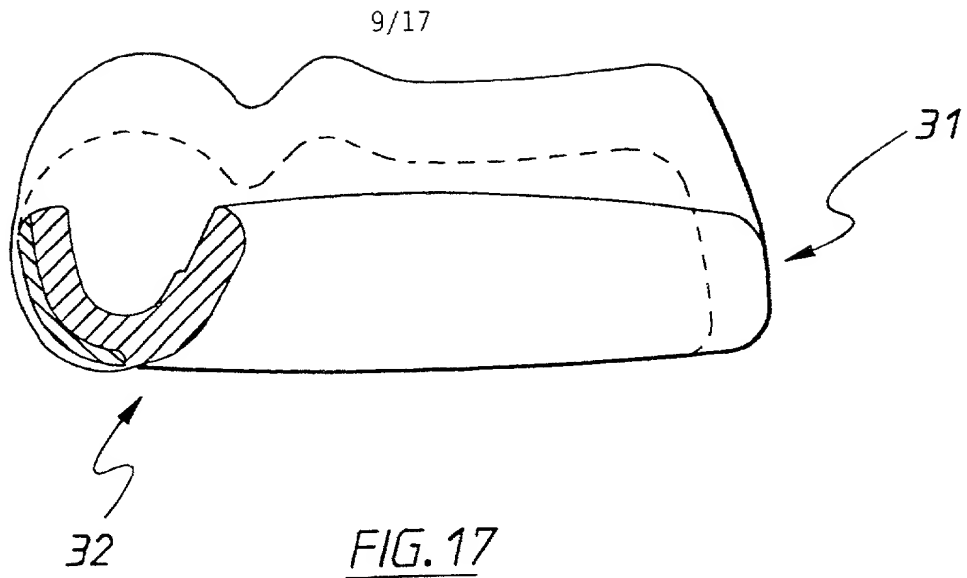


FIG. 15



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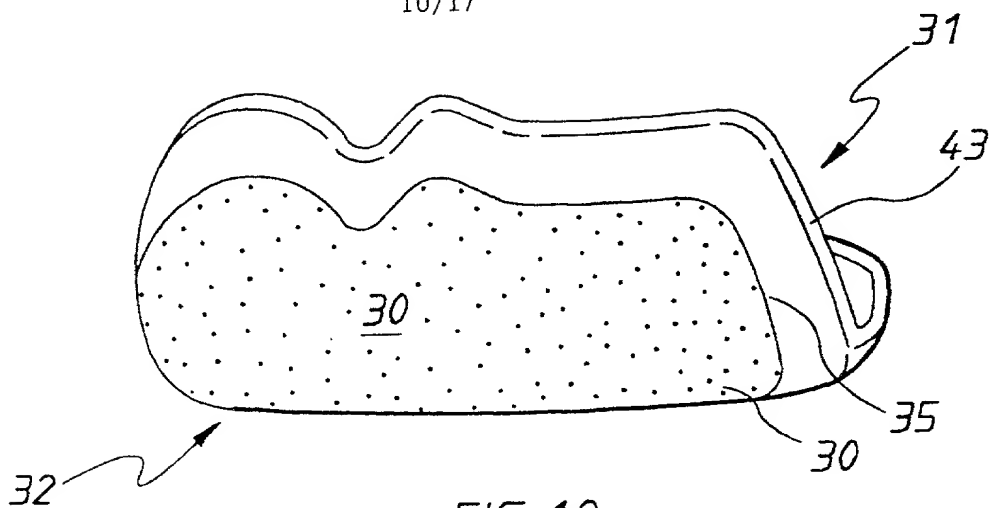


FIG. 18

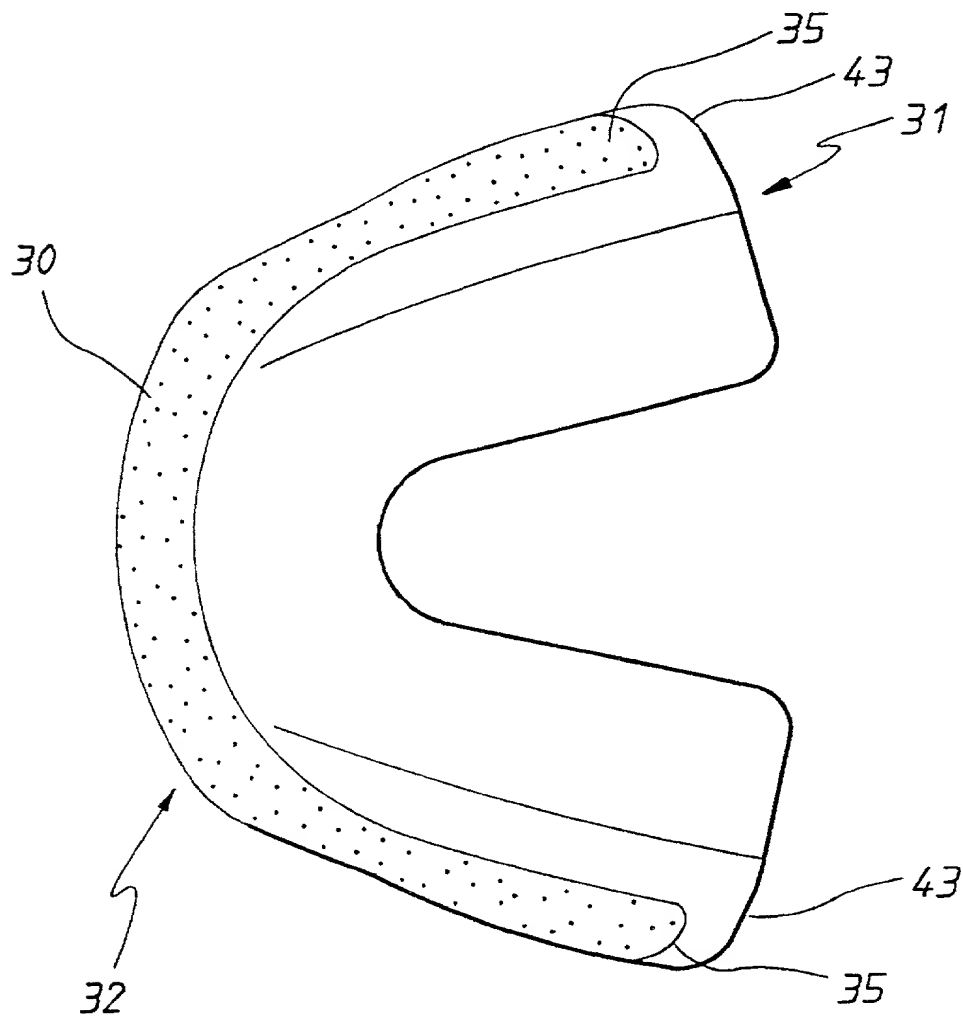


FIG. 19

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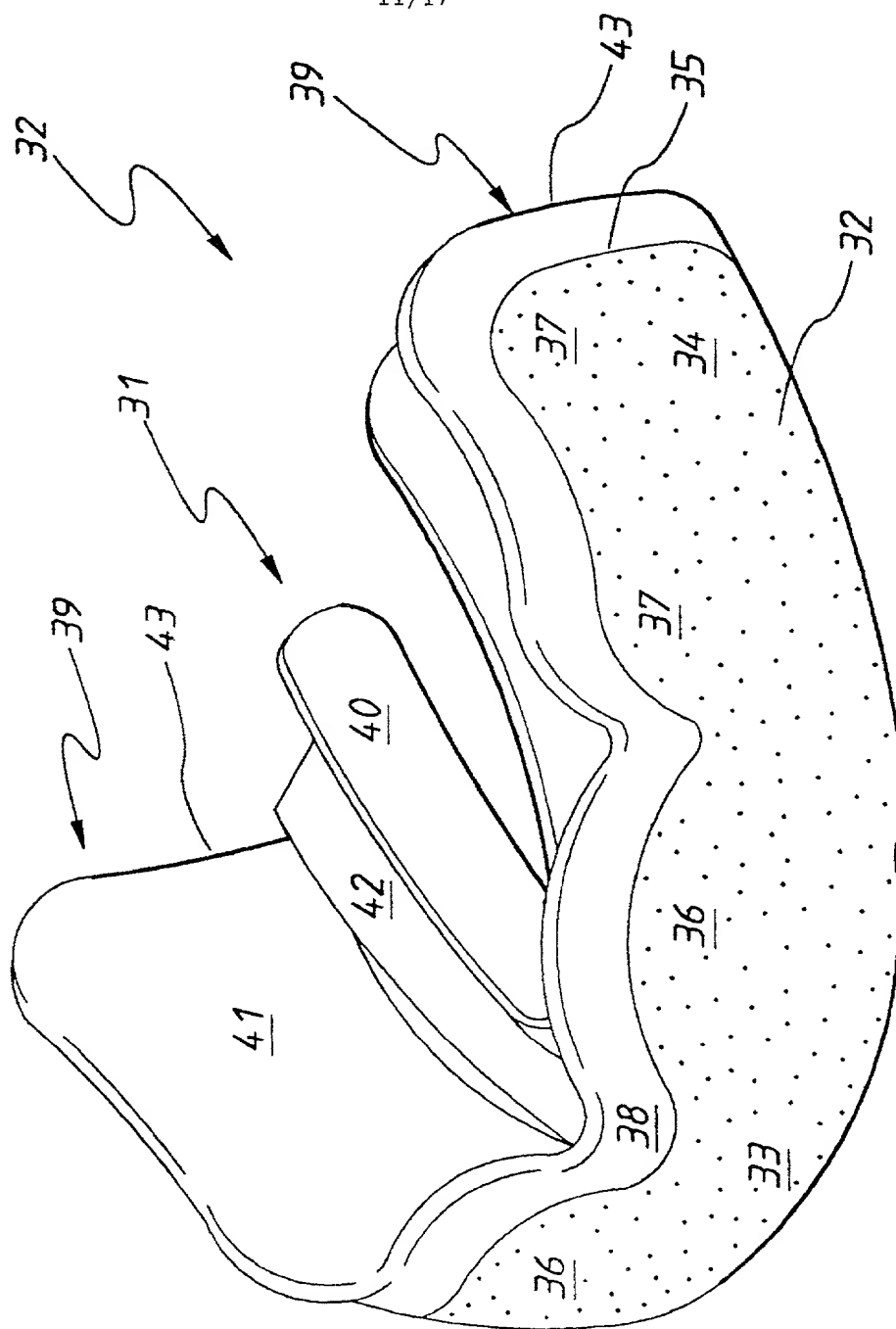
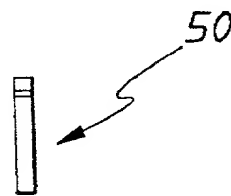
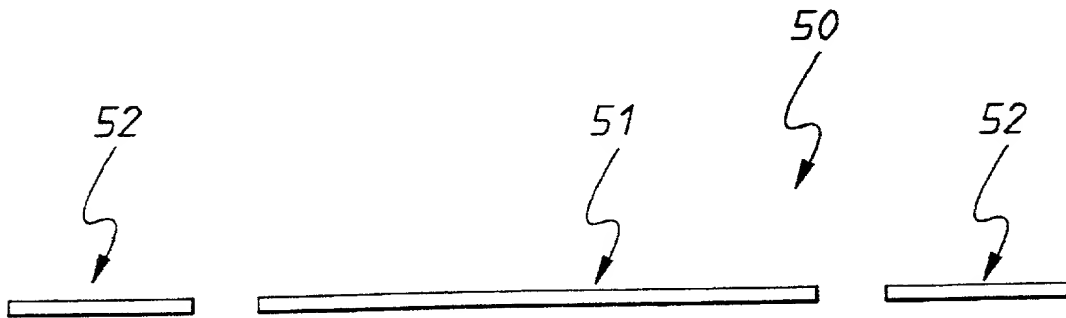
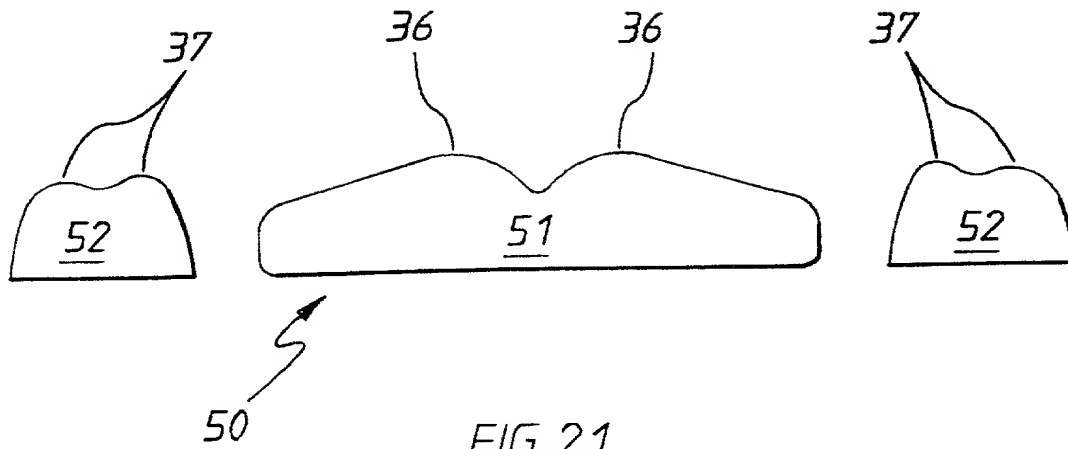
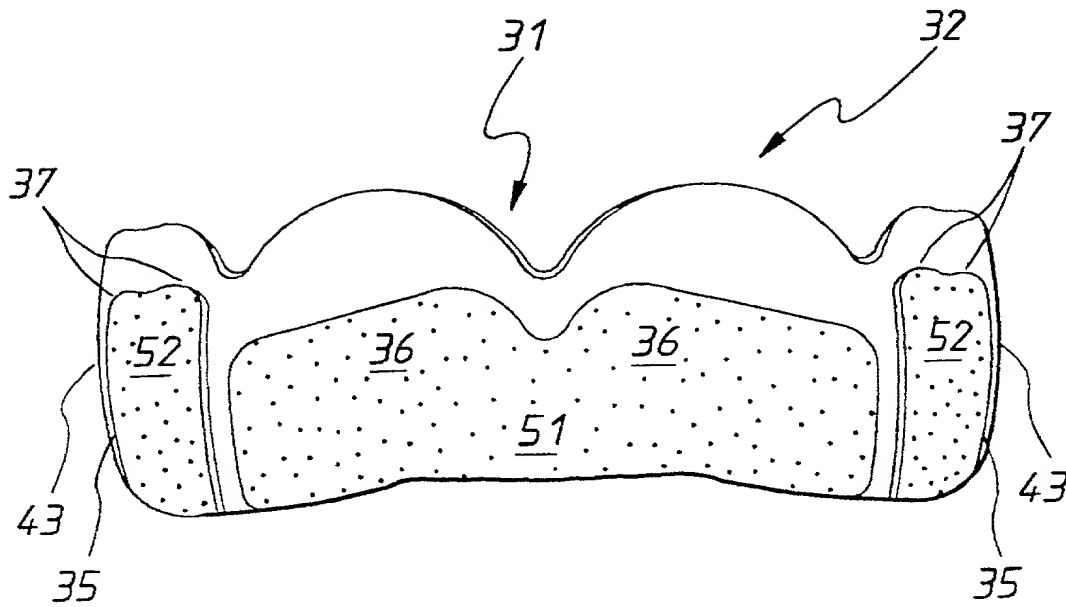
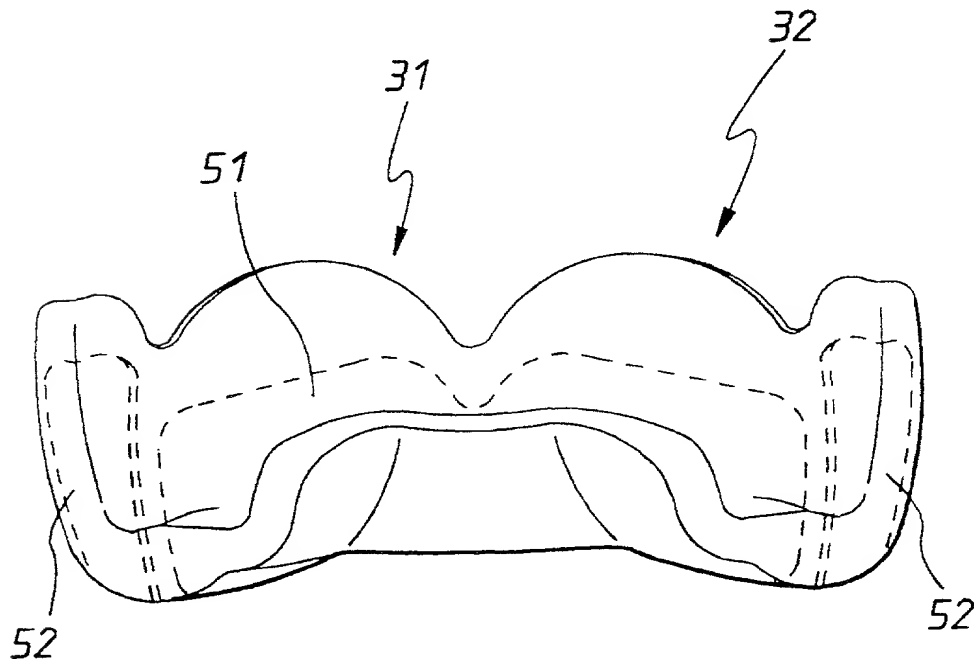


FIG. 20

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FIG. 24FIG. 25

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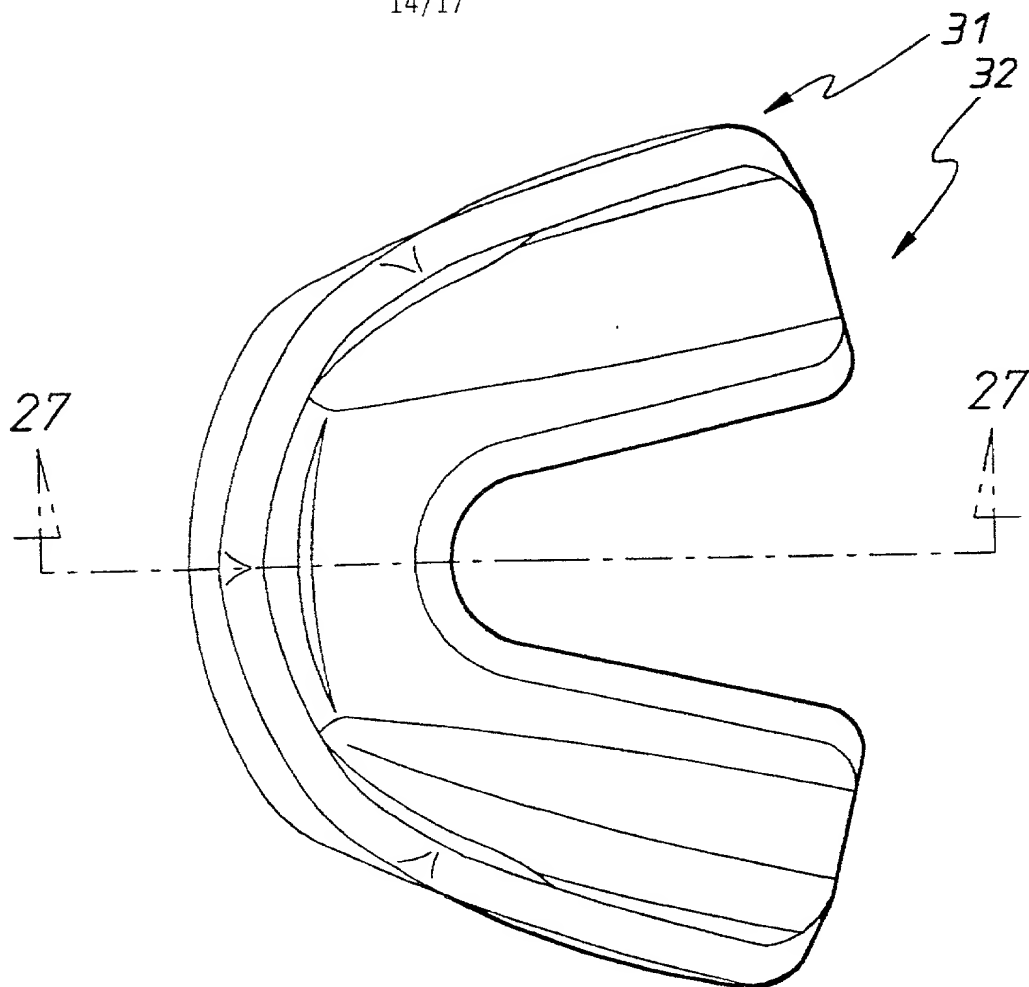


FIG. 26

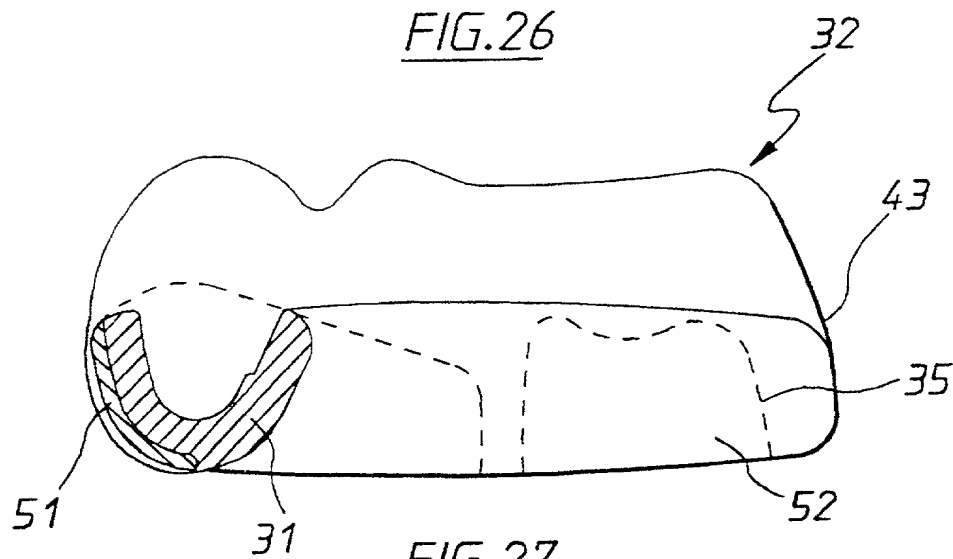


FIG. 27

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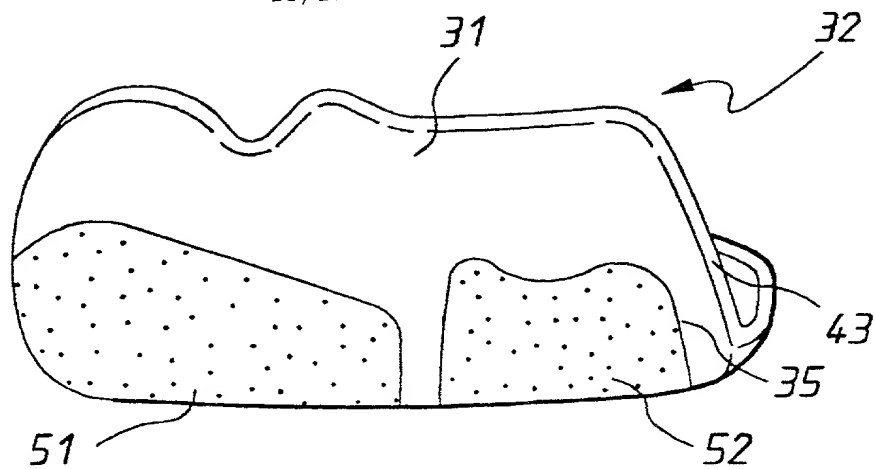


FIG. 28

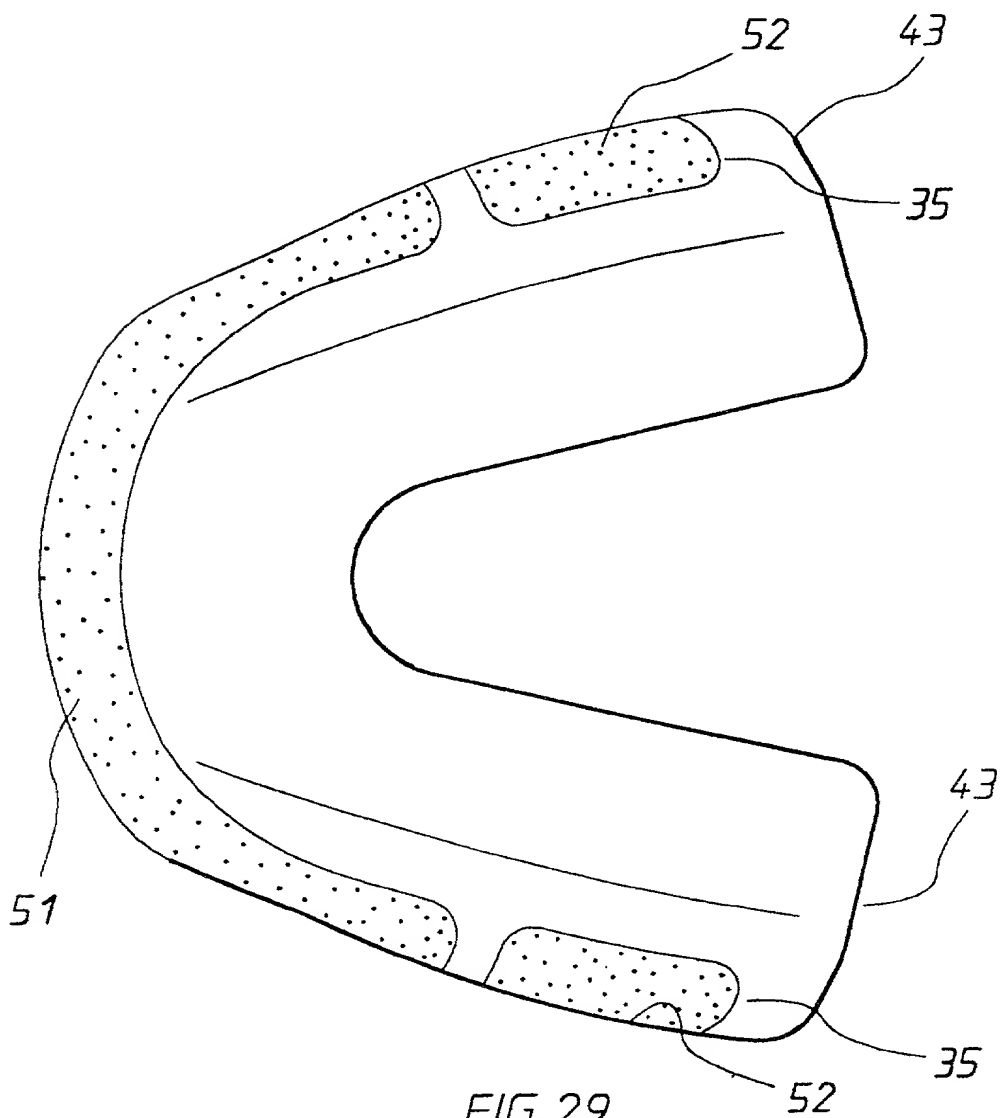


FIG. 29

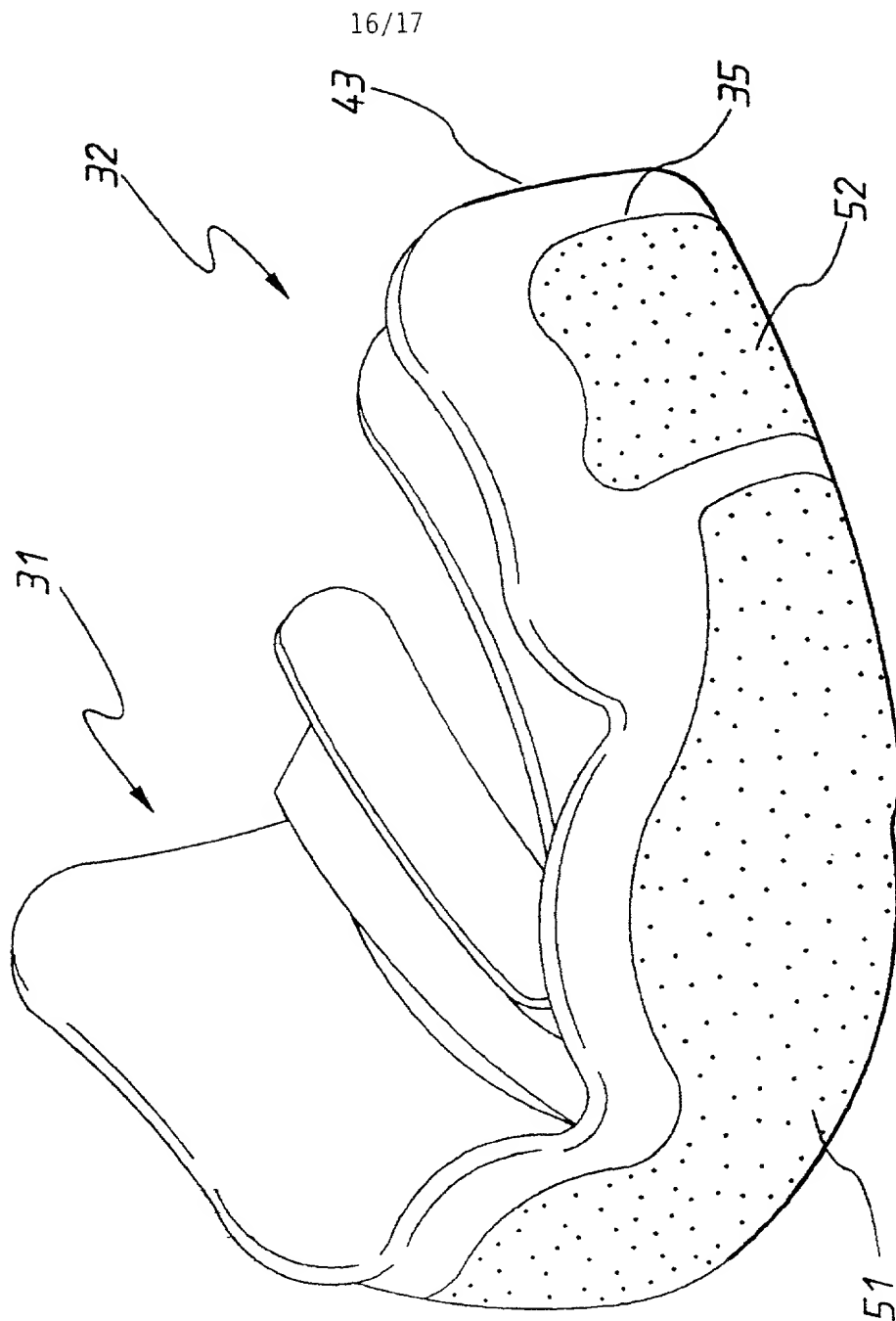


FIG. 30

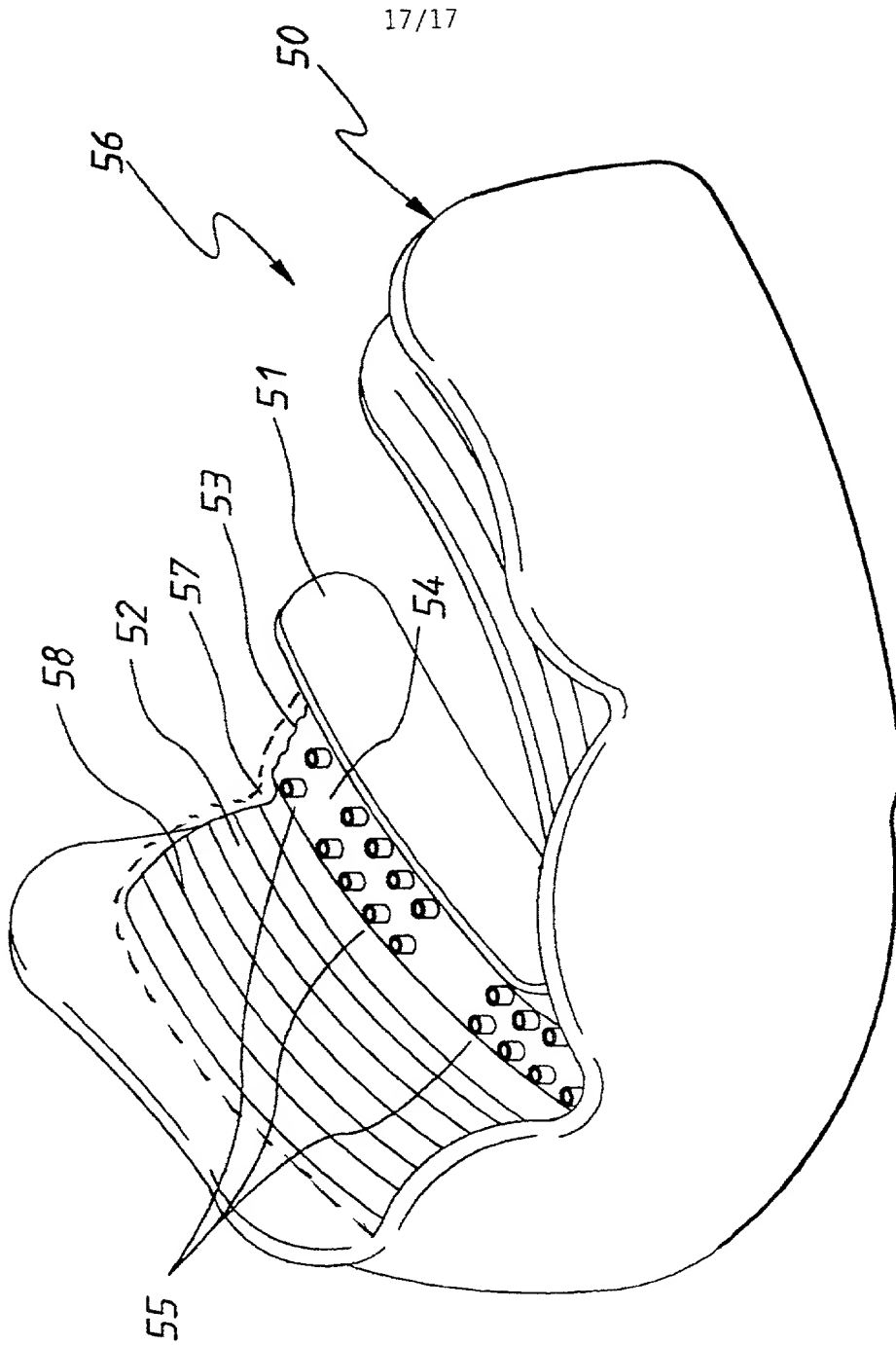


FIG. 31

Practitioner's Docket No. U013043-1

PATENT

Optional Customer No. Bar Code



00140

PATENT TRADEMARK OFFICE

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

(check one applicable item below)

- ☐ original.
☐ design.

NOTE: With the exception of a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration is not treated as an amendment under 37 CFR 1.312 (Amendments after allowance), M.P.E.P. Section 714.16, 7th Ed.

- ☐ supplemental.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☒ national stage of PCT.

NOTE: If none of the following 3 items apply, then complete and also attach **ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P**.

NOTE: See 37 C.F.R. Section 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.

- ☐ divisional.
☐ continuation.

NOTE: Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. Section 1.53(b) (application filing requirements-nonprovisional application).

- ☐ continuation-in-part (C-I-P).

INVENTORSHIP IDENTIFICATION

WARNING: *If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

A MOUTHGUARD

SPECIFICATION IDENTIFICATION

The specification of which:

(complete (a), (b), or (c))

(a) ☐ is attached hereto.

NOTE: *The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:*

"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;

"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or

"(3) name of inventor(s), and title which was on the specification as filed."

Notice of July 13, 1993 (1177 O.G. 60).

(b) ☒ was filed on December 7, 2000, ☒ as Application No. 09/719,058
☐ and was amended on _____ (if applicable)

NOTE: *Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. Section 1.67.*

NOTE: *The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:*

(A) *application number (consisting of the series code and the serial number, e.g., 08/123,456);*

(B) *serial number and filing date;*

(C) *attorney docket number which was on the specification as filed;*

(D) *title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or*

(E) *title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.*

M.P.E.P. Section 601.01(a), 7th ed.

- (c) ☒ was described and claimed in PCT International Application No. AU99/00458 filed on June 11, 1999 and as amended under PCT Article 19 on _____ (if any).

SUPPLEMENTAL DECLARATION (37 C.F.R. Section 1.67(b))

(complete the following where a supplemental declaration is being submitted)

☐ I hereby declare that the subject matter of the

- ☐ attached amendment
☐ amendment filed on _____.

was part of my/our invention and was invented before the filing date of the original application, above identified, for such invention.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56,

(also check the following items, if desired)

- ☐ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- ☐ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. Section 1.98.

PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))

NOTE: "The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by Section 1.63. The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. Section 119(b) must be filed in the case of an interference (Section 1.63(f)), when necessary to overcome the date of a reference relied upon by the examiner, when specifically required by the examiner, and in all other situations, before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by a petition requesting entry and by the fee set forth in Section 1.17(i). If the certified copy is not in the English language, a translation need not be filed except in the case of interference; or when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner, in which event an English language translation must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. Section 1.55(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.
 (e) ☒ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
 (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
 AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 USC 119
AU	PP 4098	11 JUNE 1998	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
 (35 U.S.C. Section 119(e))**

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)
 UNDER 35 U.S.C. SECTION 120**

- ☐ The claim for the benefit of any such applications are set forth in the attached
 ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY
 FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P)
 APPLICATION.

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete **ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION** for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. Section 120.

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

JOSEPH H. HANDELMAN, 26179

RICHARD P. BERG, 28145

JOHN RICHARDS, 31053

JULIAN H. COHEN, 20302

RICHARD I. STREIT, 25765

WILLIAM R. EVANS 25858

PETER D. GALLOWAY, 27885

JANET I. CORD, 33778

IAN C. BAILLIE, 24090

CLIFFORD J. MASS, 30086

THOMAS F. PETERSON, 24790

CYNTHIA R. MILLER, 34678

(Check the following item, if applicable)

☐ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

NOTE: "Special care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application. For example, where a copy of the oath or declaration from the prior application is submitted for a continuation or divisional application filed under 37 CFR 1.53(b) and the copy of the oath or declaration from the prior application designates an old correspondence address, the Office may not recognize, in the continuation or divisional application, the change of correspondence address made during the prosecution of the prior application. Applicant is required to identify the change of correspondence address in this continuation or divisional application to ensure that communications from the Office are mailed to the current correspondence address. 37 CFR 1.63(d)(4)." Section 601.03, M.P.E.P., 7th Ed

SEND CORRESPONDENCE TO

Ladas & Parry
26 West 61st Street
New York, N.Y. 10023

DIRECT TELEPHONE CALLS TO:

*(Name and telephone number)***Peter D. Galloway****(212) 708-1905***(complete the following if applicable)*

Since this filing is a ☐ continuation ☐ divisional there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other document.

NOTE: Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 C.F.R. Section 1.63(a)(3).

NOTE: Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 53,142, October 10, 1997.

Full name of sole or first inventor

1-10 Peter Burns
(Given Name) (Middle Initial or Name) Family (Or Last Name)

Inventor's signature (X) 

Date (X) 26/11/01 Country of Citizenship Australian

Residence Level 1, 9 Carlotra Street, Artarmon New South Wales 2064, Australia

Post Office Address Save as above

Full name of second joint inventor, if any

(Given Name) (Middle Initial or Name) Family (Or Last Name)

Inventor's signature

Date Country of Citizenship

Residence

Post Office Address

Full name of third joint inventor, if any

(Given Name) (Middle Initial or Name) Family (Or Last Name)

Inventor's signature

Date Country of Citizenship

Residence

Post Office Address

*(check proper box(es) for any of the following added page(s)
that form a part of this declaration)*

- ☐ Signature for fourth and subsequent joint inventors. Number of pages added _____

* * *

- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added _____

* * *

- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. Section 1.47. Number of pages added _____

* * *

- ☐ Added page for signature by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 C.F.R. Section 1.47)

* * *

- ☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☐ Number of pages added _____

* * *

- ☐ Authorization of practitioner(s) to accept and follow instructions from representative.

*(If no further pages form a part of this Declaration,
then end this Declaration with this page and check the following item)*

☒ This declaration ends with this page.